

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

ZACHARY R. MACOMBER, and  
DRAKE L. BANKS, SR.,

Defendants.

**4:19CR3116**

**ORDER**

Defendants have moved to continue the pretrial motion deadline, (Filing Nos. 38 & 39), because Defendants need additional time to investigate legal and factual issues in this case before deciding whether pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendants' motions to continue, (Filing Nos. 38 & 39), are granted.
- 2) **As to both defendants**, pretrial motions and briefs shall be filed on or before February 18, 2020.
- 3) **As to both defendants**, trial of this case is set to commence before the Honorable John M. Gerrard, Chief United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at **9:00 a.m. on March 17, 2020**, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and **as to both defendants**, the additional time arising as a result of the granting of the motion, the time between December 2, 2019 and February 18, 2020, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial

Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 4th day of December, 2019.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge